STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LA

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

See instructions on reverse

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-		2009-0901-04E

For use by Office of Administrative Law (OAL) only

2009 SEP -1 PM 4:11

OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY: Food and Agriculture

AGENCY FILE NUMBER (If any): PH09064

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S): Light Brown Apple Moth Interior Quarantine

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S):

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	
TITLE(S): 3	ADOPT:
	AMEND: 3434(b)
	REPEAL:

3. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code §11346)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- ☒ Emergency (Gov. Code, §11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- ☐ Emergency Readopt (Gov. Code, §11346.1(h))
- ☐ File & Print
- ☐ Other (Specify) _____
- ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- ☐ Effective 30th day after filing with Secretary of State
- ☒ Effective on filing with Secretary of State
- ☐ §100 Changes Without Regulatory Effect
- ☐ Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) (SAM §6660)
- ☐ Fair Political Practices Commission
- ☐ State Fire Marshal
- ☐ Other (Specify) _____

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Stephen S. Brown	(916) 654-1017 for agency (916) 654-1018	(916) 654-1018	sbrown@cdfa.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE: [signature] DATE: 9/1/09

TYPED NAME AND TITLE OF SIGNATORY: Robert L. Wynn, Statewide Coordinator, Pierce's Disease Control Program

For use by Office of Administrative Law (OAL) only

In Title 3, Division 4, Chapter 3, amend subsection 3434(b) to read:

Section 3434. Light Brown Apple Moth Interior Quarantine.

(b) Area Under Quarantine.

(1) In the counties of Alameda, Contra Costa, Marin, Monterey, San Francisco, San Benito, San Mateo, Santa Clara and Santa Cruz: In the counties of Alameda, Contra Costa, Marin, Monterey, San Francisco, San Benito, San Mateo, Santa Clara and Santa Cruz: Beginning at the intersection of Cascade Drive and Whites Hill Preserve; then, starting northwesterly along Whites Hill Preserve to its intersection with Sir Francis Drake Boulevard; then, starting southeasterly along Sir Francis Drake Boulevard to its intersection with Gunsight Fire Road; then, starting northeasterly along Gunsight Fire Road to its intersection with the boundary line of the Loma Alta Preserve; then, starting northwesterly along said boundary line to its intersection with Loma Alta Fire Road; then, starting northeasterly along Loma Alta Fire Road to its intersection with Lucas Valley Road; then, starting westerly along Lucas Valley Road to its intersection with Nicasio Valley Road; then, northwesterly along an imaginary line to its intersection with Point Reyes Petaluma Road and Novato Boulevard; then, northeasterly along an imaginary line to its intersection with the northwestern most point of the boundary of Rancho Olompali State Park; then, starting southeasterly along said park boundary to its intersection with US Highway 101; then, starting southeasterly along said highway to its intersection with 38.153465 latitude and -122.567437 longitude; then, northeasterly along an imaginary line to its intersection with the shoreline of the Petaluma River at 38.158019 latitude and -121.544658 longitude; then, starting southeasterly along said shoreline to its intersection with San Pablo Bay coastline; then, starting southerly along said shoreline to its intersection with Miller Creek; then, easterly along an imaginary line to its intersection with the San Pablo Bay coastline and Refugio Creek; then, starting northeasterly along said coastline to its intersection with the southern shoreline of the Carquinez Straight; then, starting southeasterly along said shoreline to its intersection with ~~Pacheco Creek; then, southeasterly along Pacheco Creek to its intersection with Waterfront Road; then, northeasterly along Waterfront Road to its intersection with Kinney Boulevard; then, starting southeasterly along said boulevard~~38.052067 latitude and -121.987651 longitude; then, southeasterly along an imaginary line to its

intersection with an unnamed road at 38.051854 latitude and -121.987445 longitude; then, southeasterly along said road to its intersection with an unnamed road at 38.051167 latitude and -121.986830 longitude; then, starting southwesterly along said road to its intersection with Nichols Road; then, starting southerly along said road to its intersection with an unnamed road at 38.033378 latitude and -121.991185 longitude; then, starting southeasterly along said road to its intersection with Evora Road; then, southwesterly along said road to its intersection with Willow Pass Road; then, southeasterly along said road to its intersection with State Highway 4; then, starting northeasterly along said highway to its intersection with Bailey Road; then, northerly along said road to its intersection with Willow Pass Road; then, easterly along said road to its intersection with N Broadway Avenue; then, northerly along said avenue to its intersection with Suisun Road; then, southeasterly along said road to its intersection with an unnamed road; then, starting southeasterly along said road to its intersection with the shoreline of the Sacramento River; then, starting northeasterly along said shoreline to its intersection with the shoreline of New York Slough; then, starting southeasterly along said shoreline to its intersection with the San Joaquin River; then, starting northeasterly along said river to its intersection with 38.017263 latitude and -121.802329 longitude; then, southeasterly along an imaginary line to its intersection with Fulton Shipyard Road; then, starting easterly along said road to its intersection with Cavallo Road; then, southerly along said road to its intersection with E 18th street; then, starting easterly along said street to its intersection with State Highway 4; then, southwesterly along said highway to its intersection with Oakley Road; then, easterly along said road to its intersection with Empire Avenue; then, northeasterly along said avenue to its intersection with State Highway 4; then, starting northwesterly along said highway to its intersection with Big Break Road; then, starting northeasterly along said road to its intersection with an unnamed road; then, starting easterly along said road to its intersection with the shoreline of the San Joaquin River; then, starting southeasterly along said shoreline to its intersection with the shoreline of Big Break; then, starting southeasterly along said shoreline to its intersection with Marsh Creek Trail; then, starting southwesterly along said trail to its intersection with Dutch Slough; then, easterly along said slough to its intersection with an unnamed road at 38.004935

latitude and -121.691318 longitude; then, starting easterly along said road to its intersection with Sellers Avenue; then, southerly along said avenue to its intersection with Delta Road; then, westerly along said road to its intersection with Marsh Creek Trail; then, starting southwesterly along said trail to its intersection with Sunset Road; then, westerly along said road to its intersection with Grant Street; then, starting westerly along said street to its intersection with Ohara Avenue; then, starting southerly along said avenue to its intersection with Sand Creek Road; then, starting westerly along said road to its intersection with State Highway 4 Bypass Road; then, southeasterly along said road to its intersection with Balfour Road; then, westerly along said road to its intersection with Deer Valley Road; then, starting northerly along said road to its intersection with Empire Mine Road; then, starting easterly along said road to its intersection with the boundary of Black Diamond Mines Park; then, starting easterly along said boundary to its intersection with Black Diamond Mines Regional Preserve; then, starting southeasterly along said boundary to its intersection with an unnamed road at 37.950015 latitude and -121.893463 longitude; then, starting northwesterly along said road to its intersection with Black Diamond Trail; then, starting westerly along said trail to its intersection with Cumberland Trail; then, southerly along an imaginary line to its intersection with an unnamed road at 37.935538 latitude and -121.901891 longitude; then, southeasterly along said road to its intersection with an unnamed road at 37.932012 latitude and -121.896780 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 37.927759 latitude and -121.902861 longitude; then, southwesterly along said road to its intersection with an unnamed road at 37.927353 latitude and -121.904404 longitude; then, starting southeasterly along said road to its intersection with Marsh Creek Road; then, starting southeasterly along said road to its intersection with the boundary of Mount Diablo State Park; then, starting southeasterly along said boundary to its intersection with ~~an unnamed road at 37.877902 latitude and -121.893839 longitude; then, starting southwesterly along said road to its intersection with an unnamed road at 37.876122 latitude and -121.899199 longitude; then, starting northwesterly along said road to its intersection with an unnamed road at 37.869810 latitude and -121.906685 longitude; then, starting westerly along said road to its intersection with an unnamed road at 37.873035 latitude and -~~

~~121.923316 longitude; then, starting southerly along said road to its intersection with Summit Road; then, starting southeasterly along said road to its intersection with South Gate Road; then, starting southwesterly along South Gate Road to its intersection with the boundary of Mount Diablo State Park; then, starting southwesterly along said boundary to its intersection with Finely~~Finley Road; then, starting ~~southwesterly~~southeasterly along said road to its intersection with ~~Camino Tassajara; then, starting southeasterly along Camino Tassajara to its intersection with 37.775826 latitude and -121.861651 longitude; then, southeasterly along an imaginary line to its intersection with Doolan Road at 37.748566 latitude and -121.835556 longitude; then, starting southerly along said road to its intersection with US Interstate 580; then easterly along said interstate to its intersection with Arroyo Las Positas; then, starting northerly along Arroyo Las Positas to its intersection with an unnamed creek at 37.701369 latitude and -121.796507 longitude; then, starting northerly along said creek to its intersection with Hartman Road; then, easterly along Hartman Road to its intersection with N Livermore Avenue; then, northerly along said avenue to its intersection with Hartford Avenue; then, easterly along said avenue to its intersection with Lorraine Street; then, northerly along said street to its intersection with Raymond Road; then, easterly along said road to its intersection with Dagnino Road; then, starting northerly along said road to its northwestern most point; then, northwesterly along an imaginary line~~the boundary of Mount Diablo State Park; then, starting easterly along said boundary to its intersection with 37.828207 latitude and -121.774364 longitude; then, southeasterly along an imaginary line to its intersection with Los Vaqueros Road at 37.801552 latitude and -121.747988 longitude; then, starting southwesterly along said road to its intersection with the boundary line of Alameda County~~ at 37.768542 latitude and -121.753631 longitude~~; then, northeasterly along said boundary line to its intersection with Vasco Road at 37.777741 latitude and -121.716448 longitude; then, starting northeasterly along said road to its intersection with an unnamed road at 37.781010 latitude and -121.699009 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 37.768124 latitude and -121.687037 longitude; then, starting southerly along an unnamed road to its intersection with an unnamed road at 37.763767 latitude and -121.688842 longitude; then, starting easterly

along said road to its intersection with Dyer Road at 37.745812 latitude and -121.676747 longitude; then, southerly along an imaginary line to its intersection with S Flynn Road and Patterson Pass Road; then, starting westerly along Patterson Pass Road to its intersection with Greenville Road; then, southerly along said road to its intersection with East Avenue; then, westerly along said avenue to its intersection with Buena Vista Avenue; then, southerly along said avenue to its intersection with Tesla Road; then, westerly along said road to its intersection with S Livermore Avenue; then, northwesterly along said avenue to its intersection with Wente Street; then, starting southerly along said street to its intersection with Marina Avenue; then, westerly along said avenue to its intersection with 37.656596 latitude and -121.755901 longitude; then, southerly along an imaginary line to its intersection with 37.649824 latitude and -121.755888 longitude; then, southeasterly along an imaginary line to its intersection with 37.649476 latitude and -121.755128 longitude; then, southwesterly along an imaginary line to its intersection with Danielle Court at 37.648866 latitude and -121.755981 longitude; then, southwesterly along said court to its intersection with Hansen Road; then, starting southerly along said road to its intersection with Arroyo Road; then, southerly along said road to its intersection with Westmore Road; then, southwesterly along an imaginary line to its intersection with northeastern most point of E Vineyard Avenue; then, southwesterly along E Vineyard Avenue to its intersection with an unnamed road at 37.640172 latitude and -121.773628 longitude; then, southwesterly along an imaginary line to its intersection with the intersection of Holmes Street and Kalthoff Common; then, starting westerly along Kalthoff Common to its intersection with W Ruby Hill Drive; then, starting southwesterly along said drive to its intersection with Zenato Place; then, starting westerly along Zenato Place to its southern most point; then, northwesterly along an imaginary line to its intersection with ~~the southwestern most point of Tuscany; then, starting northeasterly along Tuscany to its intersection with Safreno Way; then, northeasterly along said way to its intersection with Vineyard Avenue; then, starting northwesterly along said avenue to its intersection with Park Access Road; then, northwesterly along said road to its intersection with the boundary line of Shadow Cliffs Regional Recreation Area; then, starting northwesterly along said boundary line to its intersection with Verde Drive; then, southwesterly along~~

~~said drive to its intersection with Vineyard Avenue; then, westerly along said avenue to its intersection with Bernal Avenue; then, starting southwesterly along said avenue to its intersection with Hearst Drive; then, southeasterly along said drive to its intersection with Grant Court; then, southeasterly along said court to its~~the southeastern most point of Grant Court; then, southwesterly along an imaginary line to its intersection with Sycamore Road and Alisal Street; then, starting southerly along Alisal Street to its intersection with Happy Valley Road; then, starting southwesterly along said road to its intersection with ~~Pleasanton Sunol Road~~Sanctuary Lane; then, starting southeasterly along said lane to its intersection with Inspiration Terrace; then, starting south~~easterly~~westerly along said ~~road~~terrace to its southern most point; then, southwesterly along an imaginary line to its intersection with Oak Tree Farm Drive and Pleasanton Sunol Road; then, westerly along said drive to its intersection with Foothill Road; then, ~~northwesterly along said road to its intersection with Country Lane; then, southwesterly along said lane to its southwestern most point; then, along an imaginary line to its intersection with the southern most point of South Road; then, northeasterly along said road to its intersection with Golf Road; then, westerly along said road to its intersection with View Drive; then, westerly along said drive to its intersection with 37.628851 latitude and -121.896052 longitude; then, westerly along an imaginary line to its intersection with Kilkare Road at 37.628063 latitude and -121.912188 longitude; then, starting northwesterly along said road to its intersection with an unnamed road; then, starting northwesterly along said road to its intersection with 37.639833 latitude and -121.923097 longitude; then,~~ southwesterly along an imaginary line to its intersection with Sunol Ridge Trail ~~at 37.635119 latitude and -121.934235 longitude~~and Palomares Road; then, starting northwesterly along said trail to its intersection with 37.634652 latitude and -121.933865 longitude; then, westerly along an imaginary line to its intersection with the boundary of Pleasanton Ridge Regional Park at 37.634909 latitude and -121.941270 longitude; then, starting westerly along said boundary to its intersection with 37.641262 latitude and -121.950174 longitude; then, northwesterly along an imaginary line to its intersection with Sunol Ridge Trail at 37.653060 latitude and -121.953017 longitude; then, starting northwesterly along said trail to its intersection with 37.663959 latitude and -121.967888 longitude; then, starting southwesterly along

an imaginary line to its intersection with the boundary line of Dry Creek Pioneer Regional Park at 37.622806 latitude and -121.998267 longitude; then, starting southeasterly along the boundary line of Dry Creek Pioneer Regional Park to its intersection with 37.608038 latitude and -121.974629 longitude; then, southeasterly along an imaginary line to its intersection with Old Canyon Road at 37.593051 latitude and -121.1951323 longitude, then, starting southeasterly along Old Canyon Road to its southeastern most point, then, southeasterly along an imaginary line to its intersection with the northeastern most point of Morrison Canyon Road, then, southeasterly along an imaginary line to its intersection with ~~the intersection of US Interstate 680 and Vargas Road, then, northeasterly along US Interstate 680~~ the northwestern most point of Mission Road; then, starting southeasterly along said road to its intersection with Sheridan Road; then, starting southeasterly along said road to its intersection with an unnamed four-wheel drive road; then, starting southeasterly along said road to its intersection with Mill Creek Road; then, starting northwesterly along said road to its intersection with the boundary line of Mission Peak Regional Preserve; then, starting southeasterly along said boundary line to its intersection with the boundary line of Alameda County; then, easterly along the boundary line of Alameda County to its intersection with Weller Road; then, starting southerly along said road to its intersection with Calaveras Road; then, southeasterly along said road to its intersection with Felter Road; then, starting southeasterly along Felter Road to its intersection with the boundary line of the City of San Jose; then, starting southwesterly along said boundary line to its intersection with a branch of Berryessa Creek; then, starting southwesterly along said creek branch to its intersection with Berryessa Creek; then, starting westerly along said creek to its intersection with the boundary line of the City of San Jose; then, southeasterly along said boundary line to its intersection with Sierra Road; then, starting southwesterly along said road to its intersection with Piedmont Road; then, starting southeasterly along said road to its intersection with Mckee Road; then, northeasterly along Mckee Road to its intersection with Kirk Avenue; then, southeasterly along Kirk Avenue to its intersection with Alum Rock Avenue; then, southwesterly along Alum Rock Avenue to its intersection with Fleming Avenue; then, southeasterly along Fleming Avenue to its intersection with Story Road; then, starting southwesterly along Story

Road to its intersection with Clayton Road; then, starting southeasterly along Clayton Road to its intersection with Mount Hamilton Road; then, starting southeasterly along Mount Hamilton Road to its intersection with the boundary line of Joseph D Grant County Park; then, starting southwesterly along the boundary line of Joseph D Grant County Park to its intersection with the boundary line of the San Jose MCD; then, starting southeasterly along the boundary line of the San Jose MCD to its intersection with San Felipe Road; then, starting southwesterly along San Felipe Road to its intersection with Silver Creek Road; then, starting southwesterly along Silver Creek Road to its intersection with Road M; then, starting southeasterly along Road M to its southeastern most point; then, southwesterly along an imaginary line to its intersection with the intersection of Piercy Road and Tennant Avenue; then, southwesterly along Tennant Avenue to its intersection with Silicon Valley Boulevard; then, southwesterly along Silicon Valley Boulevard to its intersection with US Highway 101; then starting southeasterly along US Highway 101 to its intersection with Metcalf Road; then, starting northeasterly along said road to its intersection with Malech Road; then, stating southeasterly along said road to its southeastern most point; then, southeasterly along an imaginary line to its intersection with northern most point of the boundary of the Coyote Creek Park Chain; then, starting southwesterly along said boundary to its intersection with Burnett Avenue; then, starting southwesterly along said avenue to its intersection with US Highway 101; then, southeasterly along said highway to its intersection with Chochrane Road; then, southwesterly along said road to its intersection with Butterfield Boulevard; then, southeasterly along said boulevard to its intersection with Jarvis Lane; then, starting southwesterly along said lane to its intersection with Monterey Street; then, southeasterly along said street to its intersection with Old Monterey road; then, northwesterly along said road to its intersection with Llagas Road; then, southwesterly along said road to its intersection with Teresa Lane; then, starting southwesterly along said lane to its intersection with Llagas Road; then, starting southeasterly along said road to its intersection with Little Llagas Avenue; then, southwesterly along said avenue to its intersection with Oak Glen Avenue; then, starting northwesterly along said avenue to its intersection with Uvas Road; then, starting northwesterly along said road to its intersection with Mckean Road; then, starting

northwesterly along said road to its intersection with Fortini Road; then, southwesterly along an imaginary line to its intersection with the intersection of Almaden Road and Mt. Drive; then, starting southerly along Almaden Road to its intersection with Alamitos Road; then, starting southwesterly along Alamitos Road to its intersection with Hicks Road; then, starting northwesterly along Hicks Road to its intersection with Mount Umunhum Road; then, starting southwesterly along Mount Umunhum Road to its intersection with Mount Umunhum L Prieta Road; then, starting southerly along Mount Umunhum L Prieta Road to its intersection with Loma Prieta Road; then, southeasterly along Loma Prieta Road to its intersection with Summit Road; then, southwesterly along an imaginary line to its intersection with Highland Way and Hihns Sulphur Springs Road; then, westerly along Hihns Sulphur Spring Road to its intersection with the boundary line of Forest of Nisene Marks State Park; then, starting southerly along the boundary line of Forest of Nisene Marks State Park to its intersection with Nisene Marks State Park; then, starting northeasterly along Nisene Marks State Park to its intersection with Buzzard Lagoon Road; then, starting northerly along Buzzard Lagoon Road to its intersection with Ormsby Road; then, starting southeasterly along Ormsby Road to its intersection with Ormsby Cutoff; then, starting northeasterly along Ormsby Cutoff to its intersection with Summit Road; then, starting southeasterly along Summit Road to its intersection with Pole Line Road; then, starting southeasterly along Pole Line Road to its intersection with Mount Madonna Road; then, starting northerly along said road to its intersection with Redwood Retreat Road; then, starting northeasterly along said road to its intersection with 37.030678 latitude and -121.667419 longitude; then, northeasterly along an imaginary line to its intersection with Watsonville Road at 37.041594 latitude and -121.654908 longitude; then, northeasterly along said road to its intersection with Day Road; then, starting northeasterly along Day Road to its intersection with an unnamed road at 37.042655 latitude and -121.628886 longitude; then, northerly along said road to 37.046899 latitude and -121.628810 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 37.048227 latitude and -121.625612 longitude; then, starting southeasterly along said road to its intersection with the southwestern most point of Fitzgerald Avenue; then northeasterly along said avenue to its intersection with Monterey Highway; then, southeasterly along said

highway to its intersection with Santa Clara Avenue; then, northeasterly along said avenue to its intersection with 6th Street; then, southeasterly along said street to its intersection with Rucker Avenue; then, northeasterly along said avenue to its intersection with New Avenue; then, northwesterly along said avenue to its intersection with Bridle Path Drive; then, starting northeasterly along said drive to its intersection with Butch drive; then, starting southeasterly along said drive to its intersection with Via Del Cielo; then starting southerly along Via Del Cielo to its intersection with Estates Drive; then, starting southeasterly along said drive to its intersection with Roop Road; then, starting northeasterly along said road to its intersection with Leavesley Road; then, starting southeasterly along said road to its intersection with Crews Road; then, southeasterly along said road to its intersection with Godfrey Avenue; then, southwesterly along said avenue to its intersection with Dunlap Avenue; then, southwesterly along said avenue to its intersection with Furlong Avenue; then, southeasterly along said avenue to its intersection with State Highway 152; then, starting southwesterly along said highway to its intersection with Frazier Lake Road; then, starting southerly along said road to its intersection with Bloomfield Avenue; then, southwesterly along said avenue to its intersection with Llagas Creek; then, southeasterly along said creek to its intersection with the Pajaro River; then, starting southwesterly along said river to its intersection with 36.941953 latitude and -121.518630 longitude; then, northwesterly along an imaginary line to its intersection with Carnadero Creek at 36.947906 latitude and -121.533079 longitude; then, starting southwesterly along said creek to its intersection with 36.942869 latitude and -121.535212 longitude; then, westerly along an imaginary line to its intersection with US Highway 101 at 36.943019 latitude and -121.552787 longitude; then, starting southerly along said highway to its intersection with ~~Rocks Road; then, starting southeasterly along Rocks Road to its intersection with an unnamed road at 36.853922 latitude and -121.587864 longitude; then, starting southwesterly along the unnamed road to its end at 36.837494 latitude and -121.583476 longitude~~the San Benito River; then, starting southeasterly along said river to its intersection with 36.862312 latitude and -121.506562 longitude; then, southerly along an imaginary line to its intersection with Lucy Brown Road at 36.860087 latitude and -121.506402 longitude; then, starting

westerly along said road to its intersection with Olympia Avenue; then, easterly along said avenue to its intersection with Bixby Road; then, southerly along said road to its intersection with Freitas Road; then, easterly along said road to its intersection with Flint Road; then, southerly along said road to its intersection with State Highway 156; then, easterly along said highway to its intersection with an unnamed road at 36.841687 latitude and -121.463162 longitude; then, southerly along said road to its intersection with Stanley Ranch Road; then, easterly along said road to its intersection with Nothing Road; then, starting southwesterly along said road to its intersection with an unnamed road at 36.815715 latitude and -121.459771 longitude; then, starting northeasterly along said road to its intersection with an unnamed road at 36.816124 latitude and -121.456892 longitude; then, starting southwesterly along said road to its intersection with an unnamed road at 36.815192 latitude and -121.457330 longitude; then, starting southwesterly along said road to its intersection with an unnamed road at 36.799879 latitude and -121.469733 longitude; then, starting westerly along said road to its intersection with an unnamed road at 36.801063 latitude and -121.472691 longitude; then, starting southeasterly along said road to its intersection with County Highway G1; then, starting northwesterly along said highway to its intersection with Quinn Canyon Road; then, starting southwesterly along said road to its intersection with an unnamed road at 36.803025 latitude and -121.512613 longitude; then, starting southerly along said road to its northwestern most point; then, northwesterly along an imaginary line to its intersection with Old Stage Road and an unnamed road at 36.811896 latitude and -121.537939 longitude; then, starting westerly along said road to its intersection with an unnamed road at 36.822231 latitude and -121.563666 longitude; then, starting westerly along said road to its intersection with San Juan Grade Road at 36.822369 latitude and -121.569563 longitude; then, southwesterly along an imaginary line to its intersection with the intersection of ~~Audrey Lane~~Wild Horse Road and Crazy Horse Canyon Road; then, starting southeasterly along Crazy Horse Canyon Road to its intersection with San Juan Grade Road; then, southwesterly along San Juan Grade Road to its intersection with Herbert Road; then, starting southeasterly along Herbert Road to its intersection with Old Stage Road; then, starting southeasterly along Old Stage Road to its intersection with Old Natividad Road; then, southeasterly along Old Natividad Road to

its intersection with Natividad Creek; then, starting southwesterly along said creek to its intersection with 36.719550 latitude and -121.598560 longitude; then, easterly along an imaginary line to its intersection with a four-wheel drive road at 36.717980 latitude and -121.569410 longitude; then, starting southwesterly along said road to its intersection with 36.704040 latitude and -121.564340 longitude; then, southerly along an imaginary line to its intersection with a four-wheeled drive road at 36.694790 latitude and -121.564700 longitude; then, northeasterly along said road to its intersection with 36.652033 latitude and -121.477545 longitude; then, southeasterly along an imaginary line to its intersection with a four-wheel drive road at 36.630562 latitude and -121.423504 longitude; then, starting southwesterly along said road to its intersection with Chualar Canton Road; then, southwesterly along said road to its intersection with Chualar Creek; then, starting westerly along said creek to its intersection with Old Stage Road; then, northwesterly along said road to its intersection with Chualar Road; then, southwesterly along said road to its intersection with Payson Street; then, southeasterly along said street to its intersection with Main Street; then, southwesterly along said street to its intersection with Chualar River Road; then starting southeasterly along said road to its intersection with River Road; then, westerly along an imaginary line to its intersection with the southern most point of Parker Road; then, southwesterly along an imaginary line to its intersection with Pine Canyon Road and Corral Del Cielo Road; then, starting southeasterly along Corral Del Cielo Road to its intersection with Corral De Tierra Road; then, starting southwesterly along said road to its intersection with 36.535328 latitude and -121.725184 longitude; then, northwesterly along an imaginary line to its intersection with the eastern most point of Rinconada Drive; then, starting westerly along said drive to its intersection with Laureles Grade Road; then, starting southeasterly along Laureles Grade Road to its intersection with W Carmel Valley Road; then, northwesterly along W Carmel Valley Road to its intersection with Ronnoco Road; then, southwesterly along an imaginary line to its intersection with Robinson Canyon Road at 36.499672 latitude and -121.809815 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed road at 36.497182 latitude and -121.832791 longitude; then, starting northwesterly along an unnamed road to its intersection with Cantera Run; then, starting southeasterly along Cantera Run to its

intersection with Rancho San Carlos Road; then, starting northwesterly along Rancho San Carlos Road to its intersection with 36.517776 latitude and -121.871059 longitude; then, northwesterly along an imaginary line to its intersection with Quail Meadows Drive at 36.526142 latitude and -121.878696 longitude; then, starting northwesterly along said drive to its intersection with Covey Court; then, northwesterly along said court to its northwestern most point; then, northwesterly along an imaginary line to its intersection with the Carmel River at 36.535838 latitude and -121.896286 longitude; then, starting westerly along the Carmel River to its intersection with State Highway 1; then, starting northeasterly along State Highway 1 to its intersection with Rio Road; then, starting northwesterly along Rio Road to its intersection with Santa Lucia Avenue; then, starting southwesterly along Santa Lucia Avenue to its intersection with the boundary line of Carmel-by-the-Sea; then, starting northwesterly along the boundary line of Carmel-by-the-Sea to its intersection with the California coastline; then, starting northeasterly along the coastline of California to its intersection with 37.174074 latitude and -122.370516 longitude; then, northeasterly along an imaginary line to its intersection with State Highway 1 at 37.176523 latitude and -122.368164 longitude; then, northeasterly along an imaginary line to its intersection with Gazos Creek at 37.182962 latitude and -122.348752 longitude; then, starting northeasterly along said creek to its intersection with northern most boundary point of Ano Nuevo State Park; then, starting southeasterly along said boundary line to its intersection with 37.186976 latitude and -122.317675 longitude; then, easterly along an imaginary line to its intersection with the boundary line of Big Basin Redwoods State Park at 37.186769 latitude and -122.288604 longitude; then, starting northerly along the boundary line of Big Basin Redwoods State Park to its intersection with State Highway 236; then, starting southeasterly along State Highway 236 until its intersection with State Highway 9; then, starting southerly along State Highway 9 to its intersection with Blair Road; then, starting northeasterly along said road to its eastern most point; then, northeasterly along an imaginary line to its intersection with Kings Creek Road and Logan Creek Road; then, starting northeasterly along Logan Creek Road to its eastern most point; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Two Bar Road; then, starting southeasterly along Two Bar Road to its intersection

with Cougar Rock Road; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Whalebone Gulch Road; then, southeasterly along Whalebone Gulch Road to its intersection with Bear Creek Road; then, starting northeasterly along Bear Creek Road to its intersection with Summit Road; then, starting southeasterly along Summit Road to its intersection with State Highway 17; then, starting northwesterly along State Highway 17 to its intersection with Black Road; then, southwesterly along Black Road to its intersection with Beardsley Road; then, starting northwesterly along Beardsley Road to its northwestern most point; then, northerly along an imaginary line to its intersection with Montevina Road at 37.203696 latitude and -122.013657 longitude; then, starting northerly along Montevina Road to its intersection with Bohlman Road; then, starting southwesterly along said road to its intersection with McGill Road; then, starting westerly along said road to its intersection with Allegheny Court; then, northwesterly along said court to its intersection with Sanborn Road; then, starting northwesterly along said road to its intersection with State Highway 9; then, starting westerly along said highway to its intersection with Redwood Gulch Road; then, starting northwesterly along said road to its intersection with Stevens Canyon Road; then, starting northeasterly along said road to its northern most intersection with the boundary of Stevens Creek County Park; then starting northwesterly along an imaginary line to its intersection with Page Mill Road at 37.345695 latitude and -122.180694 longitude; then, northwesterly along an imaginary line to its intersection with Arastradero Road and Los Trancos Creek; then, starting northwesterly along Los Trancos Creek to its intersection with Alpine Road; then, starting southwesterly along Alpine Road to its intersection with Portola Road; then, starting northwesterly along Portola Road to its intersection with Bull Run Creek; then, starting southwesterly along said creek to its intersection with Old La Honda Road; then, starting southeasterly along Old La Honda Road to its intersection with Skyline Boulevard (State Highway 35); then, starting northwesterly along Skyline Boulevard (State Highway 35) to its intersection with La Honda Road; then, starting westerly along said road to its intersection with Pescadero Creek Road; then, starting southerly along said road to its intersection with Memorial Park Road; then, starting southwesterly along Memorial Park Road to its intersection with Pescadero Creek; then, southerly along

Pescadero Creek to its intersection with Peterson Creek; then, starting southerly along Peterson Creek to its southern most point; then, southeasterly along an imaginary line to its intersection with the intersection of the western boundary line of Pescadero Creek County Park and Butanoridge; then, starting southwesterly along an imaginary line to its intersection with S Butano Fire T Trail at 37.231365 latitude and -122.305410 longitude; then, starting southwesterly along said fire trail to its intersection with the western boundary line of Butano State Park; then, starting southwesterly along said boundary line to its intersection with Butano Park Road; then, starting southwesterly along Butano Park Road to its intersection with Cloverdale Road; then, starting southerly along said road to its intersection with an unnamed road at 37.192764 latitude and -122.642499 longitude; then, starting southwesterly along the unnamed road to its intersection with Pigeon Point Road; then, starting southwesterly along said road to its intersection with 37.192981 latitude and -122.379477 longitude; then, northwesterly along an imaginary line to its intersection with 37.210450 latitude and -122.385375 longitude; then, northwesterly along an imaginary line to its intersection with 37.222822 latitude and -122.389314 longitude; then, northwesterly along an imaginary line to its intersection with 37.230258 latitude and -122.392156 longitude; then, northwesterly along an imaginary line to its intersection with 37.238071 latitude and -122.395254 longitude; then, northwesterly along an imaginary line to its intersection with the intersection of Bean Hollow Road and Reservoir Road; then, starting northwesterly along Reservoir Road to its intersection with Pescadero Creek Road; then, northwesterly along Pescadero Creek Road to its intersection with State Highway 1; then, northeasterly along State Highway 1 to its intersection with the northern boundary line of Pescadero State Beach; then, westerly along said boundary line to its intersection with the coast line of California; then, starting northerly along the coast line of California to its intersection with US Highway 101; then, northerly along US Highway 101 to its intersection with the southern boundary line of the Golden Gate National Recreation Area; then, starting westerly along the boundary line of the Golden Gate National Recreation Area to its intersection with the California coastline; then, starting northwesterly along the California coastline to its intersection with 37.906854 latitude and -122.680665 longitude; then, southwesterly along an imaginary line to its

intersection with 37.905609 latitude and -122.683048 longitude; then, starting southwesterly along the California coastline to its intersection with the southern boundary of Point Reyes National Seashore; then, northeasterly along said boundary line to its intersection with State Highway 1; then, starting southeasterly along said highway to its intersection with Fairfax Bolinas Road; then, starting northwesterly along said road to its intersection with 37.955833 latitude and -121.636966 longitude; then, starting northeasterly along an imaginary line to the point of beginning.

(2) In the County of Los Angeles, in the Long Beach area: Continued

(3) In the County of Monterey:

(A) In the Greenfield area: Continued

(B) In the Gonzales area: Beginning at the intersection of US Highway 101 and 5th Street; then, northeasterly along 5th Street to its intersection with Fanoe Road; then, starting northwesterly along said road to its intersection with an unnamed road at 36.530754 latitude and -121.446128 longitude; then, starting northeasterly along said road to its intersection with an unnamed road at 36.541120 latitude and -121.436378 longitude; then, starting southeasterly along said road to its intersection with Iverson Road; then, starting southeasterly along said road to its intersection with 36.538793 latitude and -121.425986 longitude; then, southeasterly along an imaginary line to its intersection with an unnamed road at 36.538737 latitude and -121.425576 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 36.540789 latitude and -121.422136 longitude; then, then, northwesterly along said road to its intersection with an unnamed road at 36.541092 latitude and -121.422454 longitude; then, northeasterly along said road to its intersection with an unnamed road at 36.543339 latitude and -121.419152 longitude; then, northwesterly along said road to its intersection with an unnamed creek at 36.543640 latitude and -121.419290 longitude; then, northeasterly along said creek to its intersection with an unnamed road at 36.545881 latitude and -121.411230 longitude; then, starting southeasterly along said road to its intersection with an unnamed road at 36.543589 latitude and -121.408854 longitude; then, northeasterly along said road to its intersection with 36.548987

latitude and -121.404926 longitude; then, southeasterly along an imaginary line to its intersection with Johnson Canyon Road at 36.538957 latitude and -121.393481 longitude; then, starting northeasterly along said road to its intersection with 36.532673 latitude and -121.363315 longitude; then, southeasterly along an imaginary line to its intersection with Gloria Road at 36.513847 latitude and -121.342670 longitude; then, southwesterly along an imaginary line to its intersection with a four-wheel drive road at 36.503243 latitude and -121.349740 longitude; then, southwesterly along said road to its intersection with an unnamed road at 36.496160 latitude and -121.355970 longitude; then, starting southerly along said road to its intersection with Camphora Gloria Road; then, westerly along said road to its intersection with an unnamed road; then, southwesterly along said road to its intersection with McCoy Road; then, southeasterly along said road to its intersection with West Street; then, southwesterly along said street to its intersection with US Highway 101; then, northwesterly along said highway to its intersection with 36.474678 latitude and -121.403436 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed road at 36.472782 latitude and -121.405231 longitude; then, northwesterly along said road to its intersection with 36.475154 latitude and -121.408884 longitude; then, northeasterly along said road to its intersection with 36.475536 latitude and -121.408422 longitude; then, northwesterly along an imaginary line to its intersection with an unnamed road at 36.479278 latitude and -121.414623 longitude; then, southwesterly along said road to its intersection with 36.477980 latitude and -121.415897 longitude; then, northwesterly along an imaginary line to its intersection with an unnamed road at 36.483353 latitude and -121.421701 longitude; then, starting northeasterly along said road to its intersection with Lanini Road at 36.484250 latitude and -121.419089 longitude; then, northwesterly along said road to its intersection with an unnamed road at 36.490825 latitude and -121. 427036 longitude; then, northeasterly along said road to its intersection with US State Highway 101 at 36.491488 latitude and -121.426117 longitude; then, northwesterly along said highway to the point of beginning.

(4) In the Counties of San Benito and Santa Clara, in the Hollister area: Continued

(5) In the counties of Napa, Solano and Sonoma: Beginning at the intersection of Dry Creek Road and Oakville Grade; then, starting northeasterly along Oakville Grade to its intersection with State Highway 29; then, northwesterly along said highway to its intersection with Niebaum Lane; then, southwesterly along said lane to its southwestern most point; then, northwesterly along an imaginary line to its intersection with Bear Canyon Creek at 38.449044 latitude and -122.438217 longitude; then, starting southwesterly along said creek to its intersection with 38.455567 latitude and -122.482936 longitude; then, northwesterly along an imaginary line to its intersection with Heath Canyon Creek at 38.460546 latitude and -122.487660 longitude; then, starting northeasterly along said creek to its intersection with 38.487000 latitude and -122.479890 longitude; then, northerly along an imaginary line to its intersection with White Sulphur Springs Road and Spring Street; then, starting northeasterly along Spring Street to its intersection with Sylvaner Avenue; then, starting northwesterly along said avenue to its intersection with Reisling Way; then, northwesterly along said way to its intersection with Madrona Avenue; then, northeasterly along said avenue to its intersection with State Highway 29; then, northwesterly along said highway to its intersection with Pratt Avenue; then, starting northeasterly along said avenue to its intersection with Silverado Trail; then, southeasterly along said trail to its intersection with Howell Mountain Road; then, starting northeasterly along said road to its intersection with Conn Valley Road; then, starting southeasterly along said road to its intersection with 38.507019 latitude and -122.403440 longitude; then, southerly along an imaginary line to its intersection with the northeastern most point of Auberge Road; then, starting southwesterly along said road to its intersection with Rutherford Hill Road; then, starting southwesterly along said road to its intersection with Silverado Trail; then, starting southeasterly along said trail to its intersection with Rector Creek; then, starting northeasterly along said creek to its intersection with the shoreline of Rector Reservoir; then, starting easterly along said shoreline to its intersection with Rector Creek; then, starting southeasterly along said creek to its intersection with 38.446227 latitude and -122.326109 longitude; then, southeasterly along an imaginary line to its intersection

with Soda Canyon Road at 38.432918 latitude and -122.299459 longitude; then, starting southwesterly along said road to its intersection with Loma Vista Drive; then, easterly along an imaginary line to its intersection with the northwestern most point of Old Soda Springs Road; then, starting southeasterly along said road to its intersection with 38.370079 latitude and -122.263934 longitude; then, southeasterly along an imaginary line to its intersection with Atlas Peak Road at 38.368587 latitude and -122.260633 longitude; then, starting northeasterly along said road to its intersection with 38.368591 latitude and -122.251833 longitude; then, starting southeasterly along an imaginary line to its intersection with State Highway 121 at 38.353177 latitude and -122.221839; then, starting northeasterly along said highway to its intersection with Wild Horse Valley Road; then, starting southwesterly along said road to its intersection with Coombsville Road; then, westerly along said road to its intersection with Murphy Creek; then, starting southwesterly along said creek to its intersection with Tulocay Creek; then, starting southwesterly along said creek to its intersection with ~~an unnamed creek; then, westerly along the unnamed creek to its intersection with the Napa River; then, starting southwesterly along said river to its intersection with State Highway 29; then, starting southeasterly along State Highway 29 to its intersection with Soscol Creek; then, starting northeasterly along said creek to its intersection with 38.243375 latitude and -122.240868 longitude; then, northeasterly along an imaginary line to its intersection with 38.250715 latitude and -122.195182 longitude~~Kruese Creek; then, starting southeasterly along said creek to its intersection with 38.263169 latitude and -122.217873 longitude; then, southeasterly along an imaginary line to its intersection with the boundary of Napa County at 38.262320 latitude and -122.216873 longitude; then, starting southeasterly along said boundary to its intersection with 38.250715 latitude and -122.195182 longitude; then, southerly along an imaginary line to its intersection with State Highway 12 at 38.208545 latitude and -122.191502 longitude; then, southwesterly along an imaginary line to its intersection with the boundary line of Napa County at 38.204910 latitude and -122.204470 longitude; then, ~~starting southwesterly along the boundary line of Napa County to its intersection with 38.175142 latitude and -122.213659 longitude; then, southeasterly along an imaginary line to its intersection with American Canyon Road and Hiddenbrooke Parkway; then, starting~~

~~southeasterly along Hiddenbrooke Parkway to its intersection with Fall Street; then, starting southeasterly along Fall Street to its intersection with Landmark Drive; then, starting westerly along Landmark Drive~~southeasterly along an imaginary line to its intersection with the northwestern most point of Lynch Road; then, starting southeasterly along said road to its intersection with McGary Road; then, southeasterly along an imaginary line to its intersection with the northeastern most point of the boundary of Vallejo; then, starting southeasterly along said boundary to its intersection with Sulphur Springs Creek; then, starting southeasterly along said creek to its intersection with 38.130361 latitude and -122.166761 longitude; then ~~south~~northeasterly along an imaginary line to its intersection with ~~Oakridge Lane at 38.126446 latitude and -122.131766 longitude; then, starting northeasterly along said lane to its intersection with Lopes Road; then, starting southwesterly along said road to its intersection with Lake Herman Road; then, starting southeasterly along Lake Herman Road to its intersection with US Interstate 680; then, starting southwesterly along said interstate~~ US Interstate 680 and Goodyear Road; then, starting southeasterly along said road to its southeastern most point; then, southeasterly along an imaginary line to its intersection with the shoreline of Suisun Slough at 38.135750 latitude and -122.085330 longitude; then, starting southeasterly along said shoreline to its intersection with the shoreline of Grizzly Bay at 38.118444 latitude and -122.064822 longitude; then, southwesterly along said shoreline to its intersection with the shoreline of Suisun Bay at 38.115079 latitude and -122.064727 longitude; then, southwesterly along said shoreline to its intersection with the coastline of San Francisco Bay; then, starting westerly along said coastline to its intersection with the southern most point of Maritime Academy Drive; then, northwesterly along an imaginary line to its intersection with the southeastern point of the boundary line of the Mare Island Naval Reserve; then, starting northwesterly along the boundary line of the Mare Island Naval Reserve to its intersection with the coastline of San Pablo Bay; then, starting northwesterly along said coastline to its intersection at 38.173950 latitude and -122.396340 longitude; then, westerly along an imaginary line to its intersection with the San Pablo Bay coastline at 38.143990 latitude and -122.398320 longitude; then, starting southwesterly along said coastline to its intersection with State Highway 37; then, northeasterly along said highway to its

intersection with Lakeville Highway; then, northwesterly along said highway to its intersection with an unnamed road at 38.155060 latitude and -122.495070 longitude; then, starting northeasterly along said road to its eastern most point; then, northeasterly along an imaginary line to its intersection with the intersection of Tolay Creek and Arnold Drive; then, starting northeasterly along Arnold Drive to its intersection with Mangel Ranch Road; then, starting northwesterly along Mangel Ranch Road to its intersection with Cannon Lane; then, starting southwesterly along Cannon Lane to its intersection with Lakeville Highway; then, starting northwesterly along Lakeville Highway to its intersection with State Highway 116; then, starting northeasterly along State Highway 116 to its intersection with Ghisletta Road; then, northwesterly along Ghisletta Road to its northwestern most point; then, northwesterly along an imaginary line to its intersection with Periera Road at 38.233631 latitude and at -122.552843 longitude; then, starting northwesterly along Periera Road to its intersection with Gregory Road; then, starting northeasterly along Gregory Road to its eastern most point; then, northeasterly along an imaginary line to its intersection with Tunzi Lane and Old Adobe Road; then, northwesterly along Old Adobe Road to its intersection with Hamilton Road; then, starting northeasterly along Hamilton Road to its intersection with 38.263478 latitude and -122.575320 longitude; then, northeasterly along an imaginary line to its intersection with the southern most point of Brooklime; then, starting northwesterly along Brooklime to its intersection with White Alder; then, starting northeasterly along White Alder to its intersection with Baytree; then, starting northerly along Baytree to its western most point; then, northwesterly along an imaginary line to its intersection with the southern most point of Viewcrest Drive; then, starting northwesterly along said drive to its intersection with Grove Street; then, starting easterly along Grove Street to its intersection with Spring Drive; then, starting northwesterly along said drive to its intersection with Grove street; then, starting northeasterly along said street to its intersection with Grove Court; then, starting easterly along said court to its southeastern most point; then, northeasterly along an imaginary line to its intersection with the southwestern most point of Spring Hill Road; then, starting northeasterly along said road to its intersection with Morningside Mountain; then, southeasterly along Morningside Mountain to its intersection with Sobre

Vista Road; then, starting northwesterly along said road to its intersection with Pipeline Road; then, starting northeasterly along said road to its intersection with Vigalant Road; then, starting westerly along said road to its intersection with 38.333282 latitude and -122.528454 longitude; then, northeasterly along an imaginary line to its intersection with southwestern most point of Oso Trail; then, starting northeasterly along said trail to its intersection with Morningside Mountain; then, starting easterly along Morningside Mountain to its intersection with 38.310338 latitude and -122.522981 longitude; then, northwesterly along an imaginary line to its intersection with Mill Creek at 38.340620 latitude and -122.523337 longitude; then, starting northeasterly along said creek to its intersection with Arnold Drive; then, northwesterly along said drive to its intersection with Harney; then, northeasterly along Harney to its intersection with Toyon; then, starting southeasterly along Toyon to its intersection with an unnamed road; then, northeasterly along said road to its northeastern most point; then, northwesterly along an imaginary line to its intersection with an unnamed road at 38.354298 latitude and -122.506277 longitude; then, northeasterly along an imaginary line to its intersection with State Highway 12 and Davenport Road; then, starting northeasterly along said road to its eastern most point; then, northeasterly along an imaginary line to intersection with Wilson Creek at 38.356112 latitude and -122.492998 longitude; then, southeasterly along an imaginary line to its intersection with Cavedale Road at 38.351515 latitude and -122.477166 longitude; then, southeasterly along an imaginary line to its intersection with Duggans Road at 38.344404 latitude and -122.463848 longitude; then, southeasterly along an imaginary line to its intersection with Agua Caliente Creek at 38.343493 latitude and -122.456341 longitude; then, starting southerly along said creek to its intersection with 38.336913 latitude and -122.451559 longitude; then, southeasterly along an imaginary line to its intersection with Norrbom Road at 38.333458 latitude and -122.449825 longitude; then, starting southeasterly along said road to its intersection with Hale Road; then, starting northeasterly along said road to its northeastern most point; then, southeasterly along an imaginary line to its intersection with Gehricke Road at 38.314496 latitude and -122.441469 longitude; then, northeasterly along an imaginary line to its intersection with Redwood Road and Patrick Road; then, starting southeasterly along Patrick Road to its intersection with Browns

Valley road; then, southeasterly along said road to its intersection with Buhman Avenue; then, southwesterly along said avenue to its intersection with Old Sonoma Road; then, northeasterly along said road to its intersection with State Highway 29; then, northerly along State Highway 29 to its intersection with Napa Creek; then, starting northwesterly along said creek to its intersection with Redwood Creek; then, starting northwesterly along said creek to its intersection with W Pueblo Avenue; then, northeasterly along said avenue to its intersection with Linda Vista Avenue; then, northwesterly along said avenue to its intersection with Trower Avenue; then, southwesterly along said avenue to its intersection with Dry Creek Road; then, southeasterly along said road to its intersection with Redwood Road; then, starting southwesterly along said road to its intersection with Mt Veeder Road; then, starting northwesterly along said road to its intersection with 38.361806 latitude and -122.392899 longitude; then, northeasterly along an imaginary line to its intersection with Dry Creek Road at 38.374918 latitude and -122.389631 longitude; then, starting northwesterly along said road to the point of beginning.

(6) In the County of San Joaquin, in the Manteca area: Continued

(7) In the County of San Luis Obispo, in the Los Osos area: Continued

(8) In the County of Solano, in the Fairfield area: Beginning at the intersection of Mankas Corner Road and Clayton Road; then, starting northeasterly along Clayton Road to its intersection with 38.293882 latitude and -122.097971 longitude; then, easterly along an imaginary line to its intersection with ~~northwestern most point of Oakland Hills Court; then, starting southeasterly along said court to its intersection with Oakland Hills Drive; then, southeasterly along said drive to its intersection with Hilton Head Drive; then, southeasterly along said drive to its intersection with Turnberry Drive; then, southeasterly along said drive to its southeastern most point; then, southeasterly along an imaginary line to its intersection with the western most point of Ridgewood Creek; then, starting southeasterly along said creek to its intersection with Sanctuary Drive; then, starting southeasterly along said drive~~38.294296 latitude and -122.088376 longitude; then, northeasterly along an imaginary line to its intersection with 38.305583 latitude and -122.067083 longitude; then, southeasterly along an imaginary line to its intersection with to its intersection with Hilborn Road and Garden Meadow Avenue;

then, starting northeasterly along ~~said road~~Hilborn Road to its intersection with North Texas Street; then, starting southeasterly along said street to its intersection with ~~E Pacific Avenue; then, starting easterly along said avenue to its intersection with Dover Avenue; then, southerly along said avenue to its intersection with E Travis Boulevard; then, westerly along said boulevard to its intersection with North Texas Street; then, starting southerly along said street to its intersection with W Texas Street; then, westerly along said street to its intersection with Union Avenue; then, southerly along said avenue to its intersection with Ohio Street; then, westerly along said street~~ US Interstate 80; then, northerly along said interstate to its intersection with Soda Springs Creek; then, starting easterly along said creek to its intersection with Laurel Creek; then, starting southeasterly along said creek to its intersection with Sunset Avenue; then, southerly along said avenue to its intersection with the Southern Pacific Railroad tracks; then, southwesterly along said tracks to its intersection with State Highway 12; then, southwesterly along said highway to its intersection with Pennsylvania Avenue; then, southwesterly along said avenue to its intersection with ~~State Highway 12; then, westerly along said highway to its intersection with Abernathy Road; then, starting northerly along said road to its intersection with Rockville Road; then, westerly along said road~~Cordelia Road; then, starting southwesterly along said road to its intersection with Suisun Creek; then, starting northwesterly along said creek to its intersection with Rockville Road; then, westerly along said road to its intersection with Suisun Valley Road; then, northeasterly along said road to its intersection with Ledgewood Road; then, northeasterly along said road to its intersection with Mankas Corner Road; then, northwesterly along said road to the point of beginning.

(9) In the County of Sonoma:

(A) In the Healdsburg area: Continued

(B) In the Petaluma area: Continued

(10) In the Counties of Yolo and Solano, in the Davis area: Continued

(c) Continued

(d) Continued to end

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.

August 28, 2009

FINDING OF EMERGENCY

The Secretary of the Department of Food and Agriculture finds that an emergency exists, and that the foregoing adoption of a regulation is necessary for an immediate action to avoid serious harm to the public peace, health, safety or general welfare, within the meaning of Government Code Section 11342.545 and Public Resources Code Section 21080. The Department does not have a record of any person requesting a notice of regulatory actions under Government Code Section 11346.4(a)(1). Therefore, the provisions of Government Code Section 11346.1(a)(2) do not appear to be applicable to this emergency action as no one has requested such notice. The Secretary also believes delaying this emergency action by providing five days notice to allow public comment would be inconsistent with the public interest, within the meaning of Government Code Section 11349.6(b).

Description of Specific Facts Which Constitute the Emergency

The light brown apple moth (*Epiphyas postvittana*) was first detected in California on February 27, 2007 in Alameda County and on March 7, 2007, the light brown apple moth (LBAM) was first detected in Contra Costa County. Through the deployment of delimiting detection traps, numerous additional adult male moths were trapped in both counties. As a result, the Department adopted an emergency regulation, Section 3591.20, which became effective on March 21, 2007. The Department continued to deploy detection traps in additional counties. As a result of multiple detections of LBAM, the Department amended Section 3591.20 to add the counties of Marin and San Francisco (effective April 3, 2007); Santa Clara County (effective April 20, 2007); Monterey, San Mateo and Santa Cruz counties (effective April 23, 2007); and, Napa County (effective June 5, 2007). The Department also proposed the emergency adoption of Section 3434, Light Brown Apple Moth Interior Quarantine (effective April 20, 2007). Emergency amendments to Section 3434 were subsequently made adding portions of Alameda, Contra Costa, Marin, Monterey, San Benito, San Mateo and Santa Cruz counties (effective June 6, 2007) and Napa County (effective June 7, 2007).

On May 2, 2007, the United States Department of Agriculture (USDA) issued a federal order regulating the interstate movement of host material from the infested areas of California and all of Hawaii. Another federal order issued was on April 28, 2008 and included Sonoma and Santa Barbara counties.

On June 21, 2007, emergency amendments to the State regulation were effective adding portions of Alameda, Monterey and Santa Cruz counties; and, including all harvested fruits and vegetables as regulated commodities. On July 18, 2007, emergency amendments were effective adding portions of Alameda, Contra Costa, Los Angeles, Marin, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano counties. On August 21, 2007, emergency amendments were effective adding additional portions of the counties of Alameda, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano. On September 28, 2007, emergency amendments were made, primarily to merge some of the regulated areas of Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara counties into one regulated area. On November 8, 2007, an emergency amendment became effective which increased the regulated areas of Half Moon Bay and Pescadero, San Mateo County; and, the jointly regulated areas of Monterey and Santa Clara counties. Emergency amendments were made adding (San Mateo and Santa Clara counties) and removing areas (Los Angeles, Marin, Monterey, Napa and Santa Clara counties - effective November 29, 2007); removing an area (Oakley, Contra Costa County - effective December 3, 2007); and, on December 21, 2007, several expansions became effective for areas in Contra Costa, San Mateo and Santa Clara counties. Subsequent emergency amendments were made expanding or removing existing regulated areas which were effective on February 4 and 8, March 12, 17, and 21, April 8 and 18, May 2 and 7, 2008 and establishing the Sonoma area of Sonoma County (effective May 2, 2008).

On May 15, 2008, a new regulated area was established in the Martinez area of Contra Costa County; and, areas were expanded in the Vallejo area of Solano County, the

Mountain View, Palo Alto and San Jose areas of Santa Clara County and the Belmont, Redwood City and San Carlos areas of San Mateo County. Subsequent emergency amendments were made effective May 23, June 11 and 16, July 11 and 28, August 13, 18 and 26, September 10 and 23, October 14 and 20, November 12, December 12, 2008; January 14, February 27; March 5, 10 and 30; April 27, May 20 and 26; June 1, 15, 22 and 30; July 24, and August 5 and 13, 2009.

In late October 2007, the USDA established a new regulatory protocol which was distributed to county agricultural commissioners as "Phytosanitary Advisory No. 31-2007." This regulatory protocol was adopted based upon the recommendations of the LBAM Technical Working Group (TWG). The purpose of the protocol is to determine when it is appropriate to initiate or remove interstate regulatory restrictions pertaining to LBAM in response to new detections or the elimination of incipient LBAM populations. A key component of this regulatory protocol is the revision of the triggers for initiating a regulated area. Under the recommendations of the TWG, a single detection (trapping) of a male LBAM more than three miles from another male LBAM, no longer warrants a quarantine response. This is contingent upon the deployment of LBAM traps at the appropriate delimitation levels in buffer areas surrounding the single detection. Prior to this regulatory protocol, the detection of a single LBAM was the agreed upon trigger for initiating a quarantine area. The Department reviewed and concurs with this new protocol and is applying the same criteria contained in it to initiate or remove LBAM regulatory restrictions pertaining to the intrastate movement of regulated articles and commodities.

The Department uses Geographic Information Systems (GIS) mapping programs to plot the locations of all the detections of LBAM. As a result, based upon the criteria contained in the USDA regulatory protocol, the Department determined that there are new infestations of LBAM requiring the expansion of regulated areas.

On June 18, 2009 (PDR #1503502), an adult male LBAM was trapped in the Concord area of Contra Costa County. On July 13, 2009 (PDR #s 1503393 and 1503276), adult male LBAM were trapped in the Diablo area of Contra Costa County. On July 14, 2009 (PDR # 1503275), an adult male LBAM was trapped in the Clyde area of Contra Costa County. On July 21, 2009 (PDR #1649974), an adult male LBAM was trapped in the Blackhawk area of Contra Costa County. On July 27, 2009 (PDR #5028481), an adult male LBAM was trapped in the Brentwood area of Contra Costa County. On July 29, 2009 (PDR #5028482), an adult male LBAM was trapped in the Pleasanton area of Contra Costa County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Contra Costa County.

On July 9 (PDR #5025653) and 27 (PDR #5037399), 2009, adult male LBAM were trapped in the Gonzales area of Monterey County. On July 16, 2009 (PDR #5029994), an adult male LBAM was trapped in the Prunedale area of Monterey County. On July 16, 2009 (PDR #5029997), an adult male LBAM was trapped in the Salinas area of Monterey County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in this area of Monterey County.

On July 9, 2009 (PDR #s 1575161 and 1575163), adult male LBAM were trapped in the Fremont area of Alameda County. On July 15 (PDR # 1569025), 29 (PDR #1577426) and 30 (PDR #5028483), 2009, adult male LBAM were trapped in the Pleasanton area of Alameda County. On August 4, 2009 (PDR #5028484), an adult male LBAM was trapped in the Livermore area of Alameda County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Alameda County.

On July 16, 2009 (PDR #5029998), an adult male LBAM was trapped in the Aromas area of San Benito County. On July 23, 2009 (PDR #5037469), an adult male LBAM was trapped in the San Juan Bautista area of San Benito County. On August 6, 2009 (PDR #1549441, an adult male LBAM was trapped in the San Juan Bautista area of San Benito County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of San Benito County.

On July 17 (PDR #1536195) and 21 (PDR #1536197), 2009, adult male LBAM were trapped in the Napa area of Napa County. On July 17 (PDR #5036859) and 22 (PDR #1512748), 2009, adult male LBAM were trapped in the American Canyon area of Napa County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in this area of Napa County.

On June 23, 2009 (PDR #1414356), an adult male LBAM was trapped in the Benicia area of Solano County. On July 17 (PDR #5036852) and 24 (PDR #5036933), 2009, adult male LBAM were trapped in the Fairfield area of Solano County. On August 5, 2009 (PDR #5037032), an adult male LBAM was trapped in the Fairfield area of Solano County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of Solano County.

LBAM is a highly polyphagous pest that attacks a wide number of fruits and other plants. Hosts occurring in California that are of significant agricultural or environmental concern include, but are not limited to: alder, alfalfa, apple, apricot, avocado, blueberry, blackberry, broccoli, cabbage, camellia, cauliflower, ceanothus, chrysanthemum, citrus, clematis, clover, columbine, cottonwood, currant, cypress, dahlia, ferns, fir, geranium, grape, hawthorn, honeysuckle, kiwi, lupine, madrone, mint, oak, peach, pear, peppers,

persimmon, poplar, potato, raspberry, rhododendron, rose, sage, spruce, strawberry, walnut and willow. It is an insect species that feeds upon over 250 species of native and ornamental plants. The general area of infestation contains numerous sensitive plant species and habitats. There is a threat for adverse consequences to some of these sensitive species if LBAM becomes permanently established in California.

Prior to the infestations here, this species had a relatively restricted geographic distribution, being found only in portions of Europe, Oceania and Hawaii. The pest is native to Australia but has successfully invaded other countries. The likelihood and consequences of establishment by LBAM have been evaluated in pathway initiated risk assessments. LBAM was considered highly likely of becoming established in the United States and the consequences of its establishment for United States agricultural and natural ecosystems were judged to be severe. The United States Department of Agriculture, Animal Plant and Health Inspection Service (USDA, APHIS) estimated that approximately 80 percent of the continental United States may be climatically suitable for LBAM.

In its native habitat of Australia, LBAM generally completes three generations annually. More than three generations can be completed if temperatures and host plants are favorable. In southeastern Australia where it is warmer, four generations can be completed. In contrast, two generations occur in Tasmania, New Zealand and in Great Britain. In Australia, generations do not overlap, but they do in Great Britain. As the population builds, LBAM is more abundant during the second generation. Therefore, the second generation causes the most economic damage as larvae move from foliage to fruit. The size of the third generation is typically smaller than the previous two due to leaf fall (including attached larvae) as temperatures decline in autumn. LBAM does not diapause and its continued development is slowed under cold winter temperatures. In cold climates, the pest overwinters as larvae. Because LBAM causes damage in a wide range of climate types in Australia, pest status is not dictated by climate.

LBAM causes economic damage from feeding by caterpillars, which may:

- destroy, stunt or deform young seedlings;
- spoil the appearance of ornamental and native plants; and
- injure deciduous fruit-tree crops, citrus and grapes.

Based upon losses in Australia, annual losses in California are expected to be much higher as the agricultural sector is larger and more variable. Additionally, LBAM, if not eradicated, will cause economic damage to California's export markets due to the implementation of quarantines by foreign and state governments.

Where it occurs, LBAM is difficult to control with sprays because of its leaf-rolling ability, and because there is evidence of resistance due to overuse of the same insecticides. Conifers are damaged by needle-tying and chewing. Larvae have been found feeding near apices of Bishop Pine seedlings where they spin needles down against the stem and bore into the main stem from the terminal bud. LBAM constructs typical leaf rolls (nests) by webbing together leaves, a bud and one or more leaves, leaves to a fruit, or by folding and webbing individual mature leaves. During the fruiting season, they also make nests among clusters of fruits, such as grapes, damaging the surface and sometimes tunneling into the fruits. During severe outbreaks, damage to fruit may be as high as 85 percent.

Egg masses are most likely to be found on leaves. The larvae are most likely to be found near the calyx or in the endocarp; larvae may also create "irregular brown areas, round pits, or scars" on the surface of a fruit. Larvae may also be found inside furled leaves, and adults may occasionally be found on the lower leaf surface.

LBAM is an actionable pest for the USDA, APHIS and requires the Australian Quarantine and Inspection Service to take corrective actions to prevent this pest from being associated with apples, citrus, pear fruits and other host commodities being exported to the United States. Host fruit exported from New Zealand faces similar restrictions by USDA, APHIS

and the New Zealand Ministry of Forestry and Fisheries is responsible for any corrective actions at origin. Any host commodity arriving in the United States that is infested with or contaminated by LBAM is issued a Federal Emergency Action Notice and must be either destroyed, reexported or undergo an appropriate quarantine treatment prior to its release into the United States commerce. Canada and Japan also treat LBAM as a quarantine action pest. The People's Republic of China requires all host fruit imported to originate from orchards that are free from LBAM.

Wherever LBAM occurs in association with vineyards, it is considered to be a very important agricultural pest. Unless properly managed, LBAM causes substantial risks to crop yield and quality by causing both direct and indirect damage. Emerging larvae in the spring may feed upon both the flowers and newly set fruitlets causing a direct loss in yield. Later in the year, LBAM larvae feeding on maturing fruit can cause indirect loss by introducing botrytis infections into the grape bunches. As an example, in 1992 in Australia, 70,000 larvae per hectare were documented and caused a loss of 4.7 tons of Chardonnay fruit. Damage in the 1992-93 Chardonnay season at Coonawarra, southern Australia, cost $2,000 per hectare.

In South Australia, LBAM is also a significant pest of apricots and can attack other stone fruit. Peaches are also damaged by feeding that occurs on the shoots and fruit.

The first generation (in spring) causes the most damage to apples while the second generation damages fruit harvested later in the season. Some varieties of apples such as 'Sturmer Pippin' (an early variety), 'Granny Smith' and 'Fuji' (late varieties) can have up to 20 percent damage while severe attacks can damage up to 75 percent of a crop.

In Australia, when insecticides are not applied, typically between five to 20 percent of fruit is damaged, but this can exceed 30 percent. In New Zealand, damage to unsprayed crops commonly reaches 50 percent (Wearing et al., 1991). More information regarding potential

economic impact in California may be found in the environmental assessment prepared by USDA at www.aphis.usda.gov/plant_health/ea/downloads/lbam_ea_sc.pdf. In 10 of California's affected counties, it is estimated that LBAM could cause $160 to $640 million in losses. These estimates were derived from the agricultural impacts in Australia and New Zealand. This estimate does not include economic costs to the nursery industry nor to other significant host crops in California such as apricots, avocados, kiwifruit, peaches, etc., grown in other counties.

Exact economic impacts on international and domestic exports are uncertain at this time. California is the nation's leader in agricultural exports and in 2003 shipped more than $7.2 billion in both food and agricultural commodities around the world. Some countries have specific regulations against this pest, and many others consider it a regulated pest that would not be knowingly allowed to enter. Additional measures, such as preharvest treatments and postharvest disinfestation, would likely have to be taken to ensure that shipments to these countries are free from LBAM. In addition, LBAM is an exotic pest, i.e., it is not established in the continental United States, and therefore other states within the United States would likely impose restrictions on the movement of potentially infested fruits, vegetables and nursery stock. These restrictions could severely impact the domestic marketing of California agricultural products.

The majority of California does have a climate which would favor the LBAM. Additionally, LBAM may have seven or more generations under some California climatic conditions. If unchecked, this would enable LBAM to build higher population levels in California. Given the known economic damages occurring in LBAM's present range, its potential damage to California's environment and agricultural industry could be devastating, especially without adequate control measures.

This proposed change would expand existing regulated areas in the counties of Alameda, Contra Costa, Monterey, Napa, San Benito and Solano by approximately 161 square miles.

This would result in a total of approximately 3,654 square miles under regulation within the State. The effect of this proposed change to the regulation will be to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional areas.

Unless the State's LBAM regulation is substantially the same as the LBAM federal regulation and orders, the USDA cannot regulate less than the entire State. As an example, on January 11, 2008, the USDA issued a Federal Order that expanded its citrus greening (CG) quarantine to encompass the entire State of Florida. This action was a result of the USDA confirming detections of CG in two new Florida counties: Lake and Hernando. Following discussions with the State of Florida, the USDA determined that parallel quarantine actions proposed by the State of Florida were not adequate and, therefore, it was necessary to impose statewide restrictions on the movement of all live host plants and host plant parts from Florida.

Therefore, as there are commercial nurseries located within the proposed regulated area, this emergency amendment to Section 3434 is also necessary to ensure the State's regulation continues to be substantially the same as the federal order issued April 28, 2008, which includes the October 2007 regulatory protocol. This emergency will establish new quarantine areas in two counties which are not currently under regulation by a federal order. The USDA is waiting for the State's regulation to be in effect to enable it to issue a new federal order which will be parallel to the State's. For this reason, delaying this emergency action by providing five days notice to allow public comment would be inconsistent with the public interest, within the meaning of Government Code Section 11349.6(b).

To prevent the spread of the LBAM to non-infested areas in order to protect California's agricultural industry and environment, it is necessary to begin quarantine activities against the LBAM immediately. Therefore, it is necessary to amend this regulation as an emergency action.

The Department also relied upon the following documents for this proposed rulemaking action:

Federal Domestic Quarantine Order, *Epiphyas postvittana,* (Light Brown Apple Moth), DA-2008-17.

Federal Domestic Quarantine Order, *Epiphyas postvittana,* (Light Brown Apple Moth), DA-2007-42.

For Information/Action, DA-2008-02, dated January 11, 2008, to State and Territory Agricultural Regulatory Officials, from Rebecca Bech and its attachments.

"Pest Profile," updated March 16, 2007, Kevin Hoffman, California Department of Food and Agriculture.

"Lightbrown apple moth, Exotic host plants-common," printed March 13, 2007, http://www.hortnet.co.nz/key/stone/info/hostplnt/iba-exo2.htm.

"Lightbrown Apple Moth Life Cycle," printed March 12, 2007, HortFACT.

"Light Brown Apple Moth, *Epiphyas postvittana,*" printed March 12, 2007, Government of South Australia.

"Light brown apple moth development calculator," printed March 12, 2007, NSW Department of Primary Industries.

"Light brown apple moth in citrus," June 2006, Primefact Number: 216.

"Botrytis and the Light Brown Apple Moth," undated, Bayer CropScience.

"Light Brown Apple Moth Procedures for USA Citrus Export Program," updated June 2006.

"China Export Quarantine IPM Guide," January 2006, Steven Falivene, NSW, DPI.

"Mini Risk Assessment, Light Brown Apple Moth, *Epiphyas postvittana* (Walker), [Leptidoptera: Tortricidae], September 21, 2003, Department of Entomology, University of Minnesota.

"Pests and Pest Management, Impact on Climate Change," February 2000, Dr. Robert W. Suthherst, CSIRO Entomology.

Letter dated August 3, 2009, from Robert Lilley to A.G. Kawamura.

Letter dated July 13, 2009, from Scott Hudson to A.G. Kawamura.

Letter dated May 19, 2009, from Rick Landon to A.G. Kawamura.

Letter dated April 28, 2008, from Lisa Correia to A.G. Kawamura.

Letter dated March 17, 2008, from William D. Gillette to A.G. Kawamura.

Letter dated July 12, 2007, from Kurt E. Floren to A.G. Kawamura.

Letter dated July 11, 2007, from Jearl D. Howard to A.G. Kawamura.

Letter dated June 1, 2007, from David R. Whitmer to A.G. Kawamura.

Letter dated May 25, 2007, from Ken Corbishley to A.G. Kawamura.

Letter dated May 24, 2007, from Paul J. Matulich to A.G. Kawamura.

Letter dated May 4, 2007, from Eric Lauritzen to A.G. Kawamura.

Letter dated May 4, 2007, from Gail M. Raabe to A.G. Kawamura.

Letter dated April 11, 2007, from Greg Van Wassenhove to A.G. Kawamura.

Letter dated April 4, 2007, from Scott T. Paulsen to A.G. Kawamura.

Letter dated April 3, 2007, from Edward P. Myer to A.G. Kawamura.

Letter dated April 2, 2007, from Dennis F. Bray to A.G. Kawamura.

Letter dated March 30, 2007, from Stacy Carlsen to A.G. Kawamura.

Authority and Reference Citations:
Authority: Sections 407 and 5322, Food and Agricultural Code.
Reference: Sections 407 and 5322, Food and Agricultural Code.

Informative Digest

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322).

Section 3434. Light Brown Apple Moth Interior Quarantine.

This proposed change would expand existing regulated areas in the counties of Alameda, Contra Costa, Monterey, Napa, San Benito and Solano by approximately 161 square miles. This would result in a total of approximately 3,654 square miles under regulation within the State. The effect of this proposed change to the regulation will be to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional areas.

Mandate on Local Agencies or School Districts

The Department of Food and Agriculture has determined that Section 3434 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because the affected county agricultural commissioners requested that these changes to the regulation be made.

Cost Estimate

The Department has also determined that the regulation will involve no additional costs or savings to any state agency because initial funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code and no costs or savings in federal funding to the State.